

U.S.S N. 09/249,350
Attorney Docket No.: WTZ-004

Group Art Unit: 1614
Examiner: Bahar M.

REMARKS

Claims 1-23 were pending. Claims 9-23 were withdrawn from further consideration pursuant to 37 CFR 1.142(b) as drawn to a non-elected invention and have been cancelled. Therefore, claims 1-8 are currently pending.

No new matter has been added. Support for the amendment to claim 1 can be found at least in the specification as originally filed at page 4, lines 4-6 and at page 4, lines 33-35. Originally filed claim 3 has been rewritten as amended claim 3 and newly-added claims 24-29.

Rejection of Claims 1-8 under 35 U.S.C. § 103(a)

Claims 1-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over WO 97/28791 to Tatton *et al.* ("Tatton *et al.*") in view of Meulen *et al.* ("Meulen *et al.*", and Tatton *et al.*) (*Neurology*, 1996).

The presently claimed invention is directed at a method of treating a viral infection by inhibiting replication of a virus in virus infected cells. The method involves administering to a subject in need thereof a therapeutically effective amount of a deprenyl compound, such that treatment of the viral infection occurs by inhibiting replication of a virus in a virus infected cell.

Underlined text is the mechanism of art.
The references cited fail to teach or suggest, alone or in combination, the use of deprenyl compounds as presently claimed. None of the references teach or suggest the use of a deprenyl compound for treating a viral infection by inhibiting replication of a virus in a virus-infected cell. Therefore, Applicants respectfully request that this rejection of claims 1-8 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

Amendments to and additions of claims should in no way be construed as acquiescence to any of the Examiner's rejections. The claims have been amended and added solely to expedite prosecution of the above-identified application. Applicants

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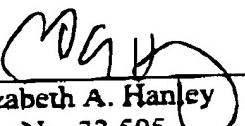
reserve the option to further prosecute the same or similar claims in the present or another patent application.

In view of the remarks set forth above, it is respectfully submitted that this application is in condition for allowance. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

Date: September 27, 2001

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By _____


Elizabeth A. Hanley
Reg. No. 33,505
28 State Street
Boston, MA 02109
(617) 227-7400
(617) 742-4214

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VERSION OF CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) A method of treating a viral infection by inhibiting replication of a virus in virus infected cells, comprising administering to a subject in need thereof a therapeutically effective amount of a deprenyl compound, such that treatment of the viral infection occurs by inhibiting replication of a virus in a virus infected cell.

3. The method of claim 2, wherein said RNA virus is selected from the group consisting of HIV, Herpes Simplex 1 virus, hepatitis A virus, Epstein Barr virus, SV-40 virus, cytomegalovirus and adenovirus 5.